IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

RP.No. 381 of 2007(H)

AGAINST THE JUDGEMENT/ORDER IN OP.13518/2003 Dated 13/03/2007

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REVIEW PETITIONER/PETITIONER IN OP 13518/03

T.G.N.KUMAR, 33/3004, ERNAKULAM,
KOCHI-682 028.

BY ADV. SRI.K.ANAND

RESPONDENTS: RESPONDENTS IN OP 13518/03

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1. THE UNION OF INDIA, REPRESENTED BY
SECRETARY, MINISTRY OF COMMUNICATION,
DEPARTMENT OF TELECOMMUNICATION,
SANCHAR BHAVAN, NEW DELHI.

2. THE CHAIRMAN AND MANAGING DIRECTOR,
BHARATH SANCHAR NIGAM LIMITED,
(BSNL), SANCHAR BHAVAN, ASHOKA ROAD,
NEW DELHI.

3. THE PRINCIPAL GENERAL MANAGER,
BHARATH SANCHAR NIGAM LTD., BSNL BHAVAN,
ERNAKULAM.

4. THE DIVISIONAL ENGINEER,
TELECOM, BSNL, PALARIVATTOM,
ERNAKULAM.

5. THE CHIEF GENERAL MANAGER,
BSNL, KERALA STATE, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.D.SOMASUNDARAM, ACGSC
R2 TO R5 BY ADV. SRI.K.KESAVANKUTTY, SC, BSNL

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 05/12/2007, ALONG WITH CONT.CASE NO. 1728/2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR, J.

R.P. No. 381/07 in
O.P. NO. 13518 OF 2003 &
Con. Case(C) No. 1728 of 2007

Dated this the 5th day of December, 2007

O R D E R

Petitioner had three telephone connections in Vennala from Palarivattom Exchange. The connections were given when Vennala area was under Palarivattom Exchange. However, when separate exchange was formed in 2002 at Vennala all the telephone connections in that area were severed from Palarivattom Exchange and brought under Vennala Exchange. On account of court orders, petitioner's three connections were retained with Palarivattom Exchange until September, 2007. Thereafter petitioner was given three connections from Vennala Exchange and the telephone numbers given to the petitioner from Palarivattom Exchange were reallotted to other subscribers. O.P. was in fact disposed of following judgment in another O.P., wherein this court declined to order shifting of telephone connection from one Exchange to another. This Review Petition is now filed by the petitioner stating that there is provision to give and

retain connection from other Exchanges in areas covered by local Exchange. However, standing counsel for BSNL submitted that guidelines referred to by the petitioner pertain to the time when Telecom Department was operating the business. According to him, since BSNL has taken over the business, it is free to evolve it's own policies to meet the competition in the market. The prayer in the Review Petition is to recall the judgment and to direct BSNL to again give connections to the petitioner in Vennala from Palarivattom Exchange. Since connections are snapped and telephone numbers given to the petitioner are allotted to other subscribers who are not parties in this R.P., it is not possible for this Court to grant the relief. Moreover I do not think there is anything arbitrary, or unreasonable in BSNL refusing to give connection from Palarivattom Exchange to a place which is fully covered by another exchange. Of course, if connection cannot be given from the exchange covering the area for want of capacity, nothing bars the BSNL from giving connection from nearby exchange, if it has capacity. These are all policy matters and should be decided based on technical feasibility, raising bills, servicing,

etc. If as a matter of policy, connections are given either on request or on other considerations, whether on additional payment or otherwise, then BSNL should consider petitioner's case for granting and retaining connection from Palarivattom exhcnage. R.P. is disposed of leaving freedom to the petitioner to point out precedents and other policy decisions of BSNL and ask for fresh connections from Palarivattom exchange.

In view of order in the RP, there is no scope for entertaining the Contempt Case. Contempt Case is therefore closed.

(C.N. RAMACHANDRAN NAIR)
Judge